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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES LEROY BREEDLOVE, JR.,

Defendant and Appellant.

B207502

(Los Angeles County
Super. Ct. No. VA103714)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Samantha P. Jessner, Judge. Affirmed.

Christopher Allan Nalls, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On December 17, 2007, James Leroy Breedlove, Jr. and his wife, Tasha Pompey, were socializing with friends at the home of Pompey's sister, Kviana Davis. An argument erupted between Breedlove and Pompey during which he punched his wife in the face, knocking her to the floor. Davis telephoned police.

A jury convicted Breedlove on one count of corporal injury to a spouse (Pen. Code, § 273.5, subd. (a)).¹ Following his admissions in a bifurcated proceeding, Breedlove was found by the court to have suffered one prior serious or violent felony conviction within the meaning of the "Three Strikes" law (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)) and to have served one separate prison term for a felony (§ 667.5, subd. (b)).

At sentencing, Breedlove's motion to dismiss his prior strike allegation (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497) was denied. He was sentenced to an aggregated state prison term of seven years, consisting of the three-year middle term for inflicting corporal injury, doubled under the Three Strikes law, plus one year for the prior prison term enhancement. The court ordered Breedlove to pay a \$20 security assessment and a \$200 restitution fine. A parole revocation fine was imposed and suspended pursuant to section 1202.45.

Breedlove timely filed a notice of appeal. We appointed counsel to represent Breedlove on appeal. After examination of the record, counsel filed an "Opening Brief" in which no issues were raised. On September 17, 2008, we advised Breedlove he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

¹ Statutory references are to the Penal Code.

We have examined the entire record and are satisfied Breedlove's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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WOODS, Acting P.J.

We concur:

ZELON, J.

JACKSON, J.